

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

Hon. Janet T. Neff

v.

Case No. 1:10-cv-00580

ANDREW M. ALSPACH, et al.,

Defendants.

---

**REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiff's Motion for Summary Judgment Against Defendant Andrew M. Alspach (Dkt. 24), which was referred to the undersigned by the Honorable Janet T. Neff for report and recommendation under 28 U.S.C. § 636(b)(1)(B). This matter involves a default on a mortgage by the corporate defendant, Storage Innovation Technologies, Inc., and a personal guaranty by Andrew M. Alspach. Default judgment was entered against the corporate defendant, Storage Innovation Technologies, Inc., because no attorney appeared on behalf of the corporate defendant.

The motion for summary judgment and brief in support appear to be well reasoned and accurate. Individual defendant Andrew M. Alspach made no written response thereto. The matter was set for hearing on April 22, 2011, before the undersigned. At the time of the hearing, counsel for plaintiff appeared but defendant Andrew M. Alspach did not. Nor was any response to the court's notice of hearing, which was served on defendant Andrew M. Alspach on January 7, 2011, made by defendant.

For these reasons, the undersigned recommends that Plaintiff's Motion for Summary Judgment Against Defendant Andrew M. Alspach (Dkt. 24) be **granted**, and that summary judgment be entered for the plaintiff in the form submitted in a proposed order (Dkt. 28) stating accurate interest and costs, as well as filing fees and attorney fees provided for in the underlying business agreement.

Respectfully submitted,

Date: April 29, 2011

/s/ Ellen S. Carmody  
ELLEN S. CARMODY  
United States Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 155 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).